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May 15, 2023

VIA ECF

Hon. Analisa Torres
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Vidal Solar et al. v. Fresh Direct, LLC et al.*
Case No. 1:20-cv-03431 (AT)
Letter Motion

Dear Judge Torres:

Our firm represents the Defendants Fresh Direct, LLC and Fresh Direct Holdings, Inc. in the above referenced action. By Order dated March 14, 2023, the Court granted Plaintiffs' motion for an Order preliminarily approving the Class Settlement. (ECF Doc. # 74). Pursuant to the Class Settlement and this Court's Order, the deadline for notice distribution to the Class Member is 60-days after preliminary approval of the Class Settlement (which would be today, May 15, 2023) and set July 5, 2023 at 1:30 pm for the Fairness Hearing.

Jointly with counsel for Plaintiffs Vidal Soler, Corey Stewart and the putative class, we respectfully request a thirty-day extension (to June 15, 2023) for providing notice to the Class Members, and an adjournment of the Fairness Hearing to a date after the expiration of the 60-day time period for the Class Members to opt out of the Class Settlement (or to a date after August 15, 2023).

The reason for this request for an additional 30-days is that Defendants require the continued assistance of a former third-party background check vendor to supply the identities of potential Class Members covering portions of the 2015 and 2016 time-period. We anticipated that the vendor would have supplied the necessary information prior to today's deadline, but were advised this morning that it expects to supply Defendants with this information next week.

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Accordingly, we respectfully request: (1) An extension of the date to provide the Class Members with notice (from May 15, 2023 to June 15, 2023); and (2) an adjournment of the Fairness Hearing to a date after August 15, 2023.

We thank you for your attention to this matter.

Respectfully,

/s/ Jennifer M. Horowitz

Jennifer M. Horowitz

GRANTED. The fairness hearing scheduled for July 5, 2023, is ADJOURNED to **September 5, 2023, at 2:00 p.m.** The hearing will proceed telephonically. At the time of the hearing, the parties are directed to dial (888) 398-2342 or (215) 861-0674, and enter access code 5598827. At the hearing, the Court shall determine whether to grant final certification of the settlement class, and final approval of the Class Settlement and plan of allocation. *See* ECF No. 74 at 16.

At the fairness hearing, the Court shall also consider any petition that may be filed for the payment of attorney's fees and costs/expenses to class counsel, and any service payments to be made to Plaintiffs. Class counsel are reminded that they shall file their petition for an award of attorney's fees and reimbursement of costs/expenses and the petition for an award of service payments no later than fifteen days prior to the fairness hearing. *See id.*

SO ORDERED.

Dated: May 16, 2023
New York, New York



ANALISA TORRES
United States District Judge